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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492

Case No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge Brown

**DECLARATION OF JOSEPH SIPRUT IN SUPPORT OF  
APPLICATION FOR LEAD COUNSEL**

I, Joseph Siprut, declare as follows:

1. I am an attorney with Siprut PC (“Siprut”), an attorney for plaintiffs in the above captioned case. I have full knowledge of the matters stated herein and could and would testify hereto.

2. I am the managing partner of Siprut PC. I was named a “Super Lawyer” in Illinois for Class Action Litigation, and hold an *AV Preeminent* rating by Martindale Hubble, the highest possible peer review rating. I was also selected for membership in the Multi-Million Dollar Advocates forum, one of the most prestigious groups of trial lawyers in the United States. Membership is limited to attorneys who have won million and multi-million dollar verdicts and settlements, and fewer than 1% of U.S. lawyers are members.

3. I and my firm have been appointed lead or co-lead counsel in nationwide class actions across the country, including:

- *In re Southwest Airlines Voucher Litigation* (Case No. 11-cv-8176, N.D. Ill.): Appointed lead counsel in nationwide class action relating to Southwest’s unilateral cancellation of drink vouchers paid for by business select travelers. Settlement valued up to \$58 Million granted final approval.

- *In re Energizer Sunscreen Litigation*, (Case No. 13-cv-00131, N.D. Ill.): Appointed lead counsel in nationwide class action relating to defective sunscreen nozzles manufactured by Energizer. Settlement valued up to \$200 Million granted preliminary approval.
- *Foos v. Ann, Inc.* (Case No. 11-cv-02794-L-MDD, S.D. Cal.): Appointed lead counsel in class action on behalf of California consumers for violations of the Song-Beverly Act. Settlement valued at \$2,323,500 received final approval.
- *Lamb v. Bitech, Inc.* (Case No. 3:11-cv-05583-EDL, N.D. CA): Appointed lead counsel in class action on behalf of California consumers for violations of the Song-Beverly Act. Class-wide settlement on behalf of 30,000 California residents preliminarily approved.
- *Golba v. Dick's Sporting Goods, Inc.* (Case No. 30-2011-00472227, CA Superior Ct.): Appointed lead counsel in class action on behalf of California consumers for violations of the Song-Beverly Act. Settlement valued at \$1,150,000 granted final approval.
- *Banakus v. United Continental Holdings, et al.* (Case No. 12-cv-06244, N.D. Ill.): Appointed co-lead interim class counsel in a nationwide class action pertaining to United's unilateral, retroactive devaluation of the benefits earned by premier members.
- *In re Barnes & Noble Pin Pad Litigation* (Case No. 12-cv-8617, N.D. Ill.): Appointed co-lead counsel in nationwide class action relating to a security breach exposing the personal information of hundreds of thousands of consumers nationwide.
- *Goodman v. Casting360, LLC* (Case No. 12-cv-09851, N.D. Ill.): Appointed lead counsel in nationwide class action for violations of the federal Telephone Consumer Protection Act.
- *Kruse, et al. v. Citigroup, Inc.* (Case No. 11-cv-01003-AG-AN, C.D. CA): Appointed lead counsel in a nationwide class action against Citigroup for a massive data breach exposing the personal information of hundreds of thousands of consumers nationwide.

4. My experience in successfully leading the prosecution of complex consumer class actions, including consumer fraud class cases, establishes that I am well-suited to serve as one of Plaintiffs' Co-Lead Counsel here. A copy of my firm resume is attached as Exhibit 1.

I declare that the foregoing is true and correct.

Dated May 9, 2014

/s/ Joseph Siprut

# **Ex. 1**

### **SIPRUT PC FIRM RESUME**

Siprut PC is a commercial litigation firm based in Chicago, with additional offices in San Diego and Boston. The firm focuses its practice exclusively on litigation and pre-litigation counseling, encompassing a wide variety of areas and issues. The firm's primary practice groups broadly include plaintiffs' class action litigation (with a particular emphasis on consumer law issues) and complex business litigation, including particularly *qui tam* and whistleblower litigation; professional malpractice litigation; intellectual property and patent litigation; and employment practices.

Siprut PC and its attorneys have recovered hundreds of millions of dollars for its clients in federal and state courts across the country. The firm and its attorneys have been prominently featured in the mainstream media for its successes and advocacy on behalf of consumers nationwide.

### **CLASS ACTION AND CONSUMER LITIGATION**

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Siprut PC prosecutes class actions across a wide variety of industries. The firm and its attorneys have been appointed lead or co-lead counsel in nationwide class actions across the country and have recovered hundreds of millions of dollars on behalf of consumers:

- *In re Southwest Airlines Voucher Litigation* (Case No. 11-cv-8176, N.D. Ill.): Appointed lead counsel in nationwide class action relating to Southwest's unilateral cancellation of drink vouchers paid for by business select travelers. Settlement valued up to \$58 Million granted final approval.
- *Arrington, et al. v. National Collegiate Athletic Association* (Case No. 11-cv-06356, N.D. Ill.): Appointed co-lead interim class counsel in a nationwide class action against the NCAA on behalf of current and former collegiate athletes related to concussions and head injuries.
- *In re Energizer Sunscreen Litigation*, (Case No. 13-cv-00131, N.D. Ill.): Appointed lead counsel in nationwide class action relating to defective sunscreen nozzles manufactured by Energizer. Settlement valued up to \$200 Million granted preliminary approval.
- *In re: Zydus Unsolicited Fax Litigation* (Case No. 13-cv-03105, N.D. IL): Appointed lead counsel in nationwide class action relating to unsolicited facsimile transmissions by Zydus, in violation of the Telephone Consumer Protection Act. Settlement valued up to \$2.25 million granted preliminary approval.
- *Foos v. Ann, Inc.* (Case No. 11-cv-02794-L-MDD, S.D. Cal.): Appointed lead counsel in class action on behalf of California consumers for violations of the Song-Beverly Act. Settlement valued at \$2,323,500 received final approval.

- *Lamb v. Bitech, Inc.* (Case No. 3:11-cv-05583-EDL, N.D. CA): Appointed lead counsel in class action on behalf of California consumers for violations of the Song-Beverly Act. Class-wide settlement on behalf of 30,000 California residents preliminarily approved.
- *Golba v. Dick's Sporting Goods, Inc.* (Case No. 30-2011-00472227, CA Superior Ct.): Appointed lead counsel in class action on behalf of California consumers for violations of the Song-Beverly Act. Settlement valued at \$1,150,000 granted final approval.
- *In re Ventra Card Litigation* (Case No. 13-cv-07294, N.D. Ill.): appointed co-lead interim counsel in class litigation related to the Chicago Transit Authority Ventra payment card system.
- *Banakus v. United Continental Holdings, et al.* (Case No. 12-cv-06244, N.D. Ill.): Appointed co-lead interim class counsel in a nationwide class action pertaining to United's unilateral, retroactive devaluation of the benefits earned by premier members.
- *In re Barnes & Noble Pin Pad Litigation* (Case No. 12-cv-8617, N.D. Ill.): Appointed co-lead counsel in nationwide class action relating to a security breach exposing the personal information of hundreds of thousands of consumers nationwide.
- *Goodman v. Casting360, LLC* (Case No. 12-cv-09851, N.D. Ill.): Appointed lead counsel in nationwide class action for violations of the federal Telephone Consumer Protection Act.
- *Kruse, et al. v. Citigroup, Inc.* (Case No. 11-cv-01003-AG-AN, C.D. CA): Appointed lead counsel in a nationwide class action against Citigroup for a massive data breach exposing the personal information of hundreds of thousands of consumers nationwide.

#### **BUSINESS AND COMMERCIAL LITIGATION**

Siprut PC handles complex commercial and business litigation matters in Illinois and throughout the United States, including claims involving:

- Patent litigation
- Professional liability
- Breach of contract
- Partnership disputes
- Real estate and lease disputes
- Copyright litigation
- Business fraud
- Unfair trade practices
- Theft of trade secrets

## **ATTORNEYS**

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**JOSEPH SIPRUT** is the founder and managing partner of Siprut PC. His practice encompasses a wide spectrum of litigation, with an emphasis on challenging cases against powerful, well-funded adversaries. He has been appointed lead or co-lead class counsel in some of the largest and most complex class actions in the country, and has substantial first-chair experience in all aspects of litigation, including trial, arbitration, and mediation. He was named a “Super Lawyer” in Illinois for Class Action Litigation, and holds an *AV Preeminent* rating by Martindale Hubble, the highest possible peer review rating. Mr. Siprut was also selected for membership in the *Multi-Million Dollar Advocates* forum, one of the most prestigious groups of trial lawyers in the United States. Membership is limited to attorneys who have won million and multi-million dollar verdicts and settlements, and fewer than 1% of U.S. lawyers are members.

Mr. Siprut has appeared in dozens of publications and television and radio broadcasts worldwide, including CBS Radio, NPR, ESPN, Bloomberg Law, Law360, the Chicago Tribune, and more. He has been deemed by the media as the “Friend of the Frequent Fliers” for his successful litigation crusades against the airline industry on behalf of airline customers, as well as a “Leading Sports Reformer” for his advocacy to combat the problem of concussions and head injuries in college sports.

Mr. Siprut is an Adjunct Professor at Northwestern University School of Law, where he teaches in the Trial Advocacy program. He is a frequent author and speaker, having published over 25 articles in the nation's leading law reviews and legal journals on topics including the right of privacy, copyright litigation, and contract doctrine, as well as litigation strategy and tactics. He was appointed as a member of the Illinois ARDC Hearing Board, and is also a member of the Advisory Board for the Fair Contracts Project, an initiative focused on counteracting the implications of fine print in standard form consumer contracts.

Mr. Siprut is a graduate of Northwestern University School of Law, where he served as the Managing Editor of the Northwestern Law Review and was selected to represent Northwestern in national competition as a member of its National Moot Court team. He was also awarded the Institute for Humane Studies Fellowship, a national fellowship competition for law and graduate study.

Prior to founding Siprut PC, Mr. Siprut spent his career practicing at some of the top corporate litigation firms in the country. Mr. Siprut has been recognized by the Law in Public Service Committee of the ABA for his dedication to pro bono work. He is admitted to practice in Illinois, the United States District Court for the Northern District of Illinois (including its Trial Bar), the Seventh Circuit Court of Appeals, and the United States Supreme Court. For over five years, Mr. Siprut served as an arbitrator in the Cook County Arbitration Program.

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**MELANIE NELSON** is a partner at Siprut PC. Her practice includes a wide array of commercial disputes, with an emphasis on personal injury and consumer class actions. Ms. Nelson

is a seasoned trial attorney, having handled nearly 30 jury trials -- 10 as first-chair. Throughout her career, she has represented diverse clients, from Fortune 500 companies to individuals.

Before joining Siprut PC, Ms. Nelson served as Assistant Corporation Counsel for the City of Chicago Law Department, where she represented the City of Chicago in a broad range of cases including wrongful death, civil rights, medical malpractice and personal injury claims. Prior to government service, Ms. Nelson practiced at prominent national litigation firms, focusing primarily on antitrust litigation and commercial business disputes.

Ms. Nelson has successfully argued a habeas corpus petition before the Seventh Circuit Court of Appeals and has significant experience representing domestic violence victims in obtaining orders of protection and asylum.

Ms. Nelson graduated from the University of Chicago Law School, with honors, and served on the Executive Board of the University of Chicago Legal Forum. She earned her undergraduate degree at the University of Michigan, with honors and distinction. Ms. Nelson is admitted to practice in Illinois, the Northern District of Illinois and the Seventh Circuit Court of Appeals.

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**GREGG BARBAKOFF** is an attorney at Siprut PC. His practice encompasses a wide spectrum of litigation with an emphasis on commercial litigation and consumer class actions. Gregg serves on the Board of Directors for the American Constitution Society, a progressive legal organization dedicated to the core Constitutional values of civil liberties, open access to justice, and the rule of law.

Gregg is a graduate of the Chicago-Kent College of Law, where he served as an editor of the Seventh Circuit Review, in which he was also published. During law school, he was selected as a Member of the Chicago-Kent Moot Court Honor Society, where he won the award for Best Overall Oralist at the Appellate Lawyers Association Moot Court Competition. Gregg was selected for the Class of 1976 Honors Scholarship while attending Chicago-Kent. Gregg graduated from Chicago-Kent *magna cum laude*, and was recently inducted into the Order of the Coif. Gregg is admitted to practice in Illinois and in the United States District Court for the Northern District of Illinois.

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**MATTHEW SAVIN** is an attorney at Siprut PC. His practice includes a broad range of civil litigation, with an emphasis on commercial litigation and consumer class actions. Matthew graduated with honors from Chicago-Kent College of Law, where he served as staff editor for the Seventh Circuit Review and received the Baum Fellowship for his work in public interest law. Matthew is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois.

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**GREG JONES** is an attorney at Siprut PC. His practice focuses on business litigation, with an emphasis on business torts and consumer fraud issues. Greg is a graduate of Northwestern University and Loyola University Chicago School of Law. At Loyola, Greg served as a Copy Editor and Symposium Editor for the Consumer Law Review. In addition, Greg was a fellow with the Institute for Consumer Antitrust Studies and served a legal internship with Magistrate Judge Michael Mason in the Northern District of Illinois.

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**ISMAEL SALAM** is an attorney at Siprut PC. His practice is focused principally on class action litigation, with an emphasis on consumer protection, data privacy and technology issues, and litigation under the Telephone Consumer Protection Act. Ismael is a graduate of Loyola University Chicago School of Law, where he served as Managing Editor of the Public Interest Law Reporter, in which he is also published. He also served as a junior member of the Loyola Law Journal, the law school's main publication. During law school, he was selected as a Student Fellow for Loyola's Institute for Consumer Antitrust Studies, where he drafted papers on price-fixing. He was also awarded the CALI for the highest grade in his Law and Economics course.

Prior to Siprut PC, Ismael interned with the U.S. Army Judicial Advocate General's Corps at Fort Carson, Colorado, U.S. Attorney's Office for the Northern District of Illinois, U.S. Court of Appeals for the Seventh Circuit, and U.S. District Court for the Northern District of Illinois.

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**BRANDON CAVANAUGH** is an attorney at Siprut PC. His practice includes a wide variety of complex civil litigation, with an emphasis on consumer class action prosecution. He graduated from Loyola-Chicago's School of Law where he was a fellow with the Institute for Consumer Antitrust Studies and an editor for Loyola's Consumer Law Review. During law school, Brandon also served as an extern to the Honorable Joan Humphrey Lefkowitz of the Northern District Court of Illinois, and earned a CALI Award in Advanced Business Organizations.

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**TODD C. ATKINS** is Of Counsel at Siprut PC, and heads the Firm's California office. His litigation practice encompasses class actions, real estate and securities matters – representing both brokers and plaintiffs. Todd is also a trained and experienced mediator, and received his certification from the National Conflict Resolution Center.

Todd is a graduate of the University of San Diego, School of Law. He is admitted to practice in California, the District of Columbia, and the United States District Court for the Southern District of California, and is also a licensed real estate broker

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**ALEXANDER SHAPOVAL** is Of Counsel at Siprut PC, and heads the Firm's Boston office. His practice encompasses all manner of civil litigation, including class actions and personal injury

litigation. Alexander is an experienced trial lawyer, with substantial first-chair jury trial experience.

Alexander is a graduate of the Massachusetts School of Law. He is admitted to practice in Massachusetts and the United States District Court for the District of Massachusetts.

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